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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

| | | |
|----------------------------|---|--|
| UNITED STATES OF AMERICA, |) | CASE NO. CR 19-377 WHA |
| |) | |
| Plaintiff, |) | |
| |) | UNITED STATES' STATUS REPORT RE |
| v. |) | DISCOVERY |
| |) | |
| ANTHONY SCOTT LEVANDOWSKI, |) | |
| |) | |
| Defendant. |) | |
| |) | |

The government had previously represented to the Court that it expected to complete production of Rule 16 materials currently in its possession by November 29, 2019, approximately two months in advance of the January 23, 2020 discovery deadline contemplated in the Court's Proposed Scheduling Order. As reflected in the chart below, the government made nine productions to defense counsel between September 24 and November 8, 2019. At the time it made the ninth production, the government believed discovery was complete, save for the potential acquisition of additional materials.

The government recently learned that there are additional materials related to the civil case that will need to be produced. In particular, counsel for Uber believes that two hard drives of material that

1 Uber produced in the civil case were sent to the FBI, one in or about September 2018 and one in or
2 about January 2019. Because of changes in FBI personnel staffing the case, the drives were not added to
3 the FBI case file nor produced to the U.S. Attorney's Office. Additionally, the Boies Schiller Flexner
4 LLP personnel who handled the productions for Uber have since left the firm, and Uber is in the process
5 of locating copies of the production cover letters. Uber informs the government that the volume of
6 material is about 118 GB.

7 The current prosecution team—AUSAs and FBI agents—is working diligently with lawyers for
8 Uber to procure a new copy of the materials. Once received, the materials will be produced as quickly
9 as possible to defense counsel.

10 While the time for producing Rule 16 materials has not yet expired, the government wanted the
11 Court to have full information before it sets a trial date in this matter.

12
13 DATED: December 2, 2019

Respectfully submitted,

14 DAVID L. ANDERSON
15 United States Attorney

16 _____/s/_____
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SUMMARY OF DISCOVERY PRODUCTIONS TO DATE

| | DATE | BATES RANGE | DESCRIPTION | SIZE |
|----|------------|---|---|--------|
| 1. | 09.24.2019 | ASL_TS-000001-000379 | Charged trade secret documents | 421 MB |
| 2. | 09.27.2019 | STROZGOV_000001-0023526 | Documents from Stroz Friedberg | 11 GB |
| 3. | 10.07.2019 | UBER_USAO_00000001-00160204 | Documents from Uber | 25 GB |
| 4. | 10.21.2019 | FBI_PROD_000001-001715 | FBI reports and documents | 620 MB |
| 5. | 10.23.2019 | WAYMO-GJ-000001-0257409 | Documents from Waymo | 114 GB |
| 6. | 10.30.2019 | WAYMO-0000001-0002092; WAYMO-UBER-0000001-0145220; WAYMO-UBER-OFFPROCESS-0000001-0001856 | Documents from Waymo | 31 GB |
| 7. | 11.05.2019 | BRENT-ARB 000001-000836; GOOGSUB000001-028681; LEVANDOWSKI-000001-000497; OGNEN-ARB 000001-003869; OTTOTRUCKING000001-025276 | Documents related to JAMS arbitration | 12 GB |
| 8. | 11.06.2019 | EQUIFAX_000001- 000066; EXPERIAN_000001 – 000039; FIRST REPUBLIC-000001-0000562; FIRSTREPUBLICBANK_000001 –000242; PEAKTRUST_000001 –001560; SLACK_000001 – 005490; TRANSUNION_000001 – 000022; WELLSFARGO_000001 – 003551 | Documents produced by various third-parties | 580 MB |
| 9. | 11.08.2019 | WAYMO-UBER-SC-00000002-00001156 | Documents from Waymo | 296 MB |